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Committee on the Elimination of Racial Discrimination

Concluding observations on the twenty-third periodic report of Finland

Addendum

Information received from Finland on follow-up to the concluding observations*

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* The present document is being issued without formal editing.

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Paragraph 19: The Committee encourages the State party to continue to make efforts to revitalize the Sami languages, including outside the Sami homeland. The Committee recommends that the State party ensure the adequate provision of physical and mental health services and social care in the Sami languages

1. According to the Constitution of Finland, the Sámi as well as other language groups have the right to maintain and develop their own language and culture. The Sámi Language Act (1086/2003) secures the right of the Sámi to maintain and develop their own language and culture in a way required by the Constitution and international agreements binding on Finland and to use their own Sámi language, i.e. Inari Sámi, Skolt Sámi or Northern Sámi, before court and other public authorities. Besides the international human rights, the national legislation of Finland obliges the authorities to fulfil the rights of the Sámi especially with regard to language and culture in order that their rights are met in a way that is equal to that of the other population groups.

2. Amendments have been proposed to the Sámi Language Act due to the reform concerning the organisation of the regional government and healthcare and social welfare services. The Ministry of Justice has negotiated with the Sámi Parliament on two occasions about the content of the legislative proposal, as laid down in section 9 of the Act on the Sámi Parliament (974/1995). In addition to this, the Sámi Parliament has been requested to give a written statement on the proposal. An agreement on the Government's proposal was reached with the Sámi Parliament and the Government bill was submitted to the Parliament on 4 May 2017 (HE 44/2017 vp.) The amendments to the Sámi Language Act are to enter into force at the same time with the Counties Act.

3. Amendments to the Sámi Language Act are necessary in order that the language rights of the Sámi will not be diminished in the context of the reform concerning the organisation of the regional government and healthcare and social welfare services. It is a question of securing the existing rights when administrative duties are transferred from municipalities to counties. In the organisation of administration, the fundamental linguistic rights laid down in section 17 of the Constitution must be taken into consideration. The Sámi Language Act applies to all public administration duties assigned to the authorities referred to in the Act. The principle of granting Sámi speakers broader rights to use the Sámi language in their Homeland will be upheld in the Act. To meet the rights the public authorities should, also in view of the application of the legislation in force, pay special attention to the language skills of the personnel and human resources planning. However, the legislative proposal does not introduce any statutory obligation concerning this.

4. Access to services in the Sámi languages is particularly important in the healthcare and social welfare sectors. Healthcare and social welfare services are mentioned in the reasons of the present Act. However, the statements on the draft bill provide that in practice the rights are not met in health and social services as they should. Some of the defects cannot be rectified by amending the legislation but the best way to address them would be by more efficient enforcement. All of the shortcomings are not such that they can be addressed through legislation.

Action Plan for the Revival of the Sámi Language

5. In July 2014, a government resolution on an Action Plan for the Revival of the Sámi Language was adopted. The action plan includes a vision for the revival of the Sámi languages by 2025 as well as measures for improving their situation. The Action Plan concerns all three Sámi languages spoken in Finland: Northern, Inari and Skolt Sámi. The resolution also contains specific actions for reviving the language. When reviewing the action plans and strategies of previous governments, the government of Prime Minister Juha Sipilä decided in December 2016 to continue the implementation of the resolution.

6. The resolution notes that reviving a language requires long-term action where the results will only be visible years or even decades later. The implementation of some of the measures contained in the action plan has got off to a good start. Some, on the other hand,

have not yet been initiated. Among other things, the resolution has meant increased support for the operation of Sámi language nests both in the Sámi Homeland and elsewhere in the country. Support intended for producing learning materials in Sámi has been increased. Efforts to develop systems for the remote teaching of Sámi and education in Sámi as part of basic education are under way. In addition, the Ministry of Education and Culture gave the University of Oulu a discretionary grant for launching a project for training Sámi-speaking kindergarten teachers. A good number of students applied to the programme, and the education began in autumn 2016 in cooperation between the university and the Sámi Education Institute.

Support to Sámi language nests

7. Since 2011, the state budget has included a separate appropriation for Sámi language nest activities, the purpose of which is to safeguard the continuity and development of cultural and language nest activities in all three Sámi languages spoken in Finland (Skolt Sámi, Inari Sámi and Northern Sámi). The funding for the language nests in the state budget for 2018 is EUR 1,200,000. The grants are allocated to language nests by the Sámi Parliament. In recent years, the grant has covered the main part of the language nests' operating expenses.

Sámi language nests 2016–2017 by the number of children, staff and the location

	(31.3.2016)	*(28.2.2017)*	*(31.8.2017)*	
Language nests by language	*Spring 2016*	*Spring 2017*	*Autumn 2017*	*Staff*
Inari Sámi:				
Language nest I, Inari*, Anarâškielâservi ry	8	8	4	1 + 2
Language nest II, Ivalo, Anarâškielâservi ry	5	9	7	2
Language nest III, Inari, Anarâškielâservi ry	11	11	10	2
Skolt Sámi:				
Language nest, Ivalo, Inari	8	7	6	2
Language nest, Sevettijärvi, Inari	5	4	3	1
North Sámi:				
Language nest, Vuotso, Sodankylä	9	7	9	2+1
Language nest, Utsjoki, Utsjoki	5	4	4	1
Language nest, Karigasniemi, Utsjoki	4	4	2	1
Language nest, Helsinki, City Sámit ry	10	10	10	2
Language nest, Oulu	3	5	5	1
Language nest, Rovaniemi, Rovaniemi	5	9	10	2
Language nest, Sodankylä		7	11	3
The total number of children	**73**	**85**	**81**	

* Inari Sámi language nest I started a group in mother tongue in 1.8.2017, where half of the children moved into. The group in mother tongue and the language nest operate in the same building. One member of the staff is in charge of the language nest group. Other members of the staff may replace him/her if needed.

Language nests by the municipality

Inari	
Inari Sámi Language nest I, Inari	
Inari Sámi Language nest II, Ivalo	Utsjoki
Inari Sámi Language nest III, Inari	North Sámi Language, Utsjoki
Skolt Sámi Language nest, Ivalo	North Sámi Language, Karigasniemi
Skolt Sámi Language nest, Sevettijärvi	
Sodankylä	Outside the Sámi Homeland area
North Sámi Language nest, Vuotso	North Sámi Language nest, Rovaniemi
North Sámi Language nest, Sodankylä	North Sámi Language nest, Oulu

The reform of Early Childhood Education and Care (ECEC)

8. A revised Act on Early Childhood Education and Care (580/2015) was adopted in spring 2015, which was formerly known as the Day Care Act (36/1973). Many changes were made: among other things, the terminology was changed from "day care" to "ECEC", the goals of ECEC were included, evaluation, the participation of parents/guardians and children, the definition of ECEC environment was broadened, regulations concerning eating were specified and the privilege and right of the child to attend ECEC was written into the Act. The Finnish National Agency for Education was made the authority responsible for the national core curriculum in ECEC, local ECEC and child-specific ECEC plans were made mandatory.

9. There is a new draft of a government proposal for an Act on ECEC which is recently sent out for comments by the stakeholders. One of the most central themes in the draft is things related to staff and to the data collection in ECEC. Other important things are the transfer of the legislation concerning social welfare in ECEC to the Act on ECEC.

10. Under the Act on Early Childhood Education and Care, the municipality must ensure that ECEC can be provided in the Sámi language when it is the child's mother tongue. An appropriation of EUR 120,000 was granted in the state budget for ECEC in the Sámi language provided in the Sámi Homeland. Finding qualified employees with language skills for ECEC delivered in Sámi is difficult.

11. In 2016, the Sámi Education Institute launched the education of Sámi-speaking kindergarten teachers in co-operation with the University of Oulu, as an exceptional programme. This is likely to gradually improve the availability of competent staff with Sámi language skills. The students taking part in the programme represent all three Sámi languages, and the majority of them work in Sámi ECEC and are pursuing their studies as blended learning, in addition to their work.

Funding

12. The funding for the instruction of the Sámi language in the municipalities located in the Sámi Homeland is guaranteed by law. The discretionary government transfer to be granted for the instruction of Sámi and in Sámi, referred to in section 45 of the Act on the Financing of Educational and Cultural Provision (1705/2009), as well as certain other discretionary government transfers have been defined in the said Act as follows:

> "The municipalities located in the Sámi homeland and other education providers acting in the said region shall be annually granted a discretionary government transfer for the costs incurred for the instruction in the Sámi language and of the Sámi language in comprehensive schools, upper secondary schools and vocational education and training as provided by government decree. The combined amount of the discretionary government transfers shall be equivalent to the average payroll expenses for the teaching staff needed for the said instruction."

13. A total of EUR 2.2 million has been allocated for these activities in 2017. Furthermore, the instruction of the mother tongue of pupils speaking Sámi, Roma and other minority languages in those municipalities where such instruction is not otherwise provided has been secured in the budget.

14. Municipalities outside the Sámi Homeland may apply to the Finnish National Agency for Education for government transfers for organizing preprimary and basic education and general upper secondary education for pupils and students who speak a foreign language, Sámi or Roma. However, these transfers do not cover all the costs and there is a lack of teachers outside the home area.

15. The Sámi Homeland municipalities have prepared and adopted their own curricula for the Sámi language teaching. While the curricula introduced in autumn 2016 are based on the national core curricula, their preparation was more or less based on local elements. Thus, there is room for local or regional specificities in curricula. The national core curriculum is determined by the Finnish National Agency for Education. Currently the Agency is following and evaluating the planning and implementation processes of local curricula.

16. The Ministry of Education and Culture and the Finnish National Agency for Education published a joint press release on 6 February 2018 with an aim to encourage the celebration of the Sami National Day at schools. The Sámi language and culture was also recognized as the main theme for celebrating the European Year of cultural Heritage 2018 by the Finnish National Agency for Education.

17. The webpage www.oktavuohta.com provides information and pedagogical materials on Sami language and culture. It has been compiled in cooperation with the Sámi Parliament and the Finnish National Agency for Education.

Distance teaching and learning of the Sámi language

18. One of the measures included in the Government's decision-in-principle on the revival programme for the Sami language of 3 July 2014 is to develop teaching that utilises remote connections in order to secure the instruction of the Sami language especially outside the Sami Homeland. Instruction of the Sami language through remote connections is provided to those municipalities that have no prerequisites to arrange face-to-face teaching. Remote connections are utilised also in the ECEC provided in Sámi language, where appropriate.

19. Distance teaching and learning of the Sámi language has already been provided, to some extent, outside the Sámi Homeland. The legislative basis for the provision of distance teaching and possibilities to secure financing for it has been examined. Negotiations have been conducted with different parties, especially between the Ministry of Culture and Education, the Sami Parliament and the Finnish National Agency for Education. The provision of distance teaching of the Sámi language continues to receive funding from the Ministry of Education and Culture. The aim is also to develop the Nordic cooperation in this field to the extent possible.

Support for teachers

20. The national Development Programme (2016) determines the direction of teacher education in Finland and development of competence during the teaching career. The guidelines apply to all teachers, including early childhood education and kindergarten, pre-primary, primary, subject and special needs teachers, guidance counsellors as well as teachers in vocational education and training, adult education, higher education institutions and liberal adult education.

21. The University of Lapland has launched a development programme for teachers which engages 18 municipalities in Lapland. The purpose of the Arctic Reformative and Exploratory Teaching (ArkTOP) project is to support the development of teachers' professional competences throughout their career and to create an operating model based on teachers' development plans, in order to implement systematic, long-lasting and field-

oriented teacher education. In addition, various pedagogical solutions for virtual teaching will be designed for providing high-quality teaching irrespective of geographical distances.

22. Additionally, as a measure of the New Comprehensive School action plan, every comprehensive school is granted a tutor teacher to guide other teachers to support the realization of new pedagogy as well as to forward the digitalization of teaching. Three of the four Sami Homeland areas have applied the grant to put the tutor activity into practice. The full report from the municipalities is not yet available, yet it can assumed that Sámi language or Sámi teachers are represented and engaged in these training activities.

23. Central government aid to the Osaava programme for teachers' continuing professional development is administrated by the Regional State Administrative Agency. The Regional State Administrative Agency communicates about the programme, promotes the establishment of networks and cooperation in line with the programme objectives, monitors and assesses the progress of funded network projects and promotes the spreading of good practices regionally and in national cooperation. As from 2010, the Regional State Administrative Agency for Lapland has made government grants under the Osaava programme totaling EUR 127,000 available also for developing the competence of teachers in the Sámi area. The Osaava programme ended at the end of 2016.

24. Also, the Regional State Administrative Agency has organised continuing education events only intended for Sámi-speaking teachers annually and, in addition, teachers who teach Sámi or in Sámi have been able to participate in other training events organised by the Agency.

Work on Sámi learning materials

25. An appropriation has been set aside in the state budget for supporting Sámi learning materials. The amount of this subsidy has been increased in recent years, and is now EUR 500,000. The work to produce learning materials, especially for Inari and Skolt Sámi, has intensified and good results have been achieved. The Sámi Parliament plans, administrates, produces, markets and distributes the Sámi-language learning materials published in Finland. In years to come, the Sámi Parliament aims to shift the emphasis towards digital materials.

Paragraph 25: In line with its general recommendation No. 30 on discrimination against non-citizens, the Committee recommends that the State party

A. Ensure that its current laws and any further restrictions concerning removal of non-citizens from its jurisdiction do not discriminate in purpose or effect on grounds of race, colour or ethnic or national origin and that non-citizens have equal access to effective remedies with respect to refoulement claims in removal proceedings

26. The equality principle, i.e. the prohibition of discrimination, is enshrined in the Constitution of Finland. Under section 6 of the Constitution no one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person. This principle applies also to handling of all matters covered by the Aliens Act (301/2004).

27. Under the Aliens Act, the requirements for issuing a residence permit and granting international protection are assessed individually for each applicant by taking account of the applicant's statements on his or her circumstances in the State in question and of real time information on the circumstances in that State obtained from various sources. All applicants who have received a negative decision have a right to appeal. The Administrative Court decides on all asylum appeals independently and examines all preconditions for granting international protection or a residence permit. If the situation of the asylum seeker or the situation in his or her home country changes during the appeal

phase, the Administrative Court reviews the matter according to the current, that is, the changed situation when making its decision.

28. In cases where the application is examined in the so called normal procedures, the person may not be removed until a final decision is made. If the application is examined in the so called accelerated procedure, the person may be removed from the country before the decision is final, unless the court suspends the enforcement. The criteria for applying accelerated procedure are laid down in law and are based on the EU procedures directive 2013/32/EU. All applicants whose application has been handled in accelerated procedures do enjoy an effective possibility to request suspension of the removal, within the set 7 days' time-limit, and the removal may not be carried out before the court has decided on the request (this decision needs to be taken within 7 days). This was specified in a recent change in law. The legislation in force is in line with the relevant EU law as well as the Constitution of Finland and provides effective protection from refoulement.

B. Maintain sufficient capacity in reception facilities providing adequate shelter, basic services and humanitarian assistance to ensure that asylum seekers are not detained in punitive settings

29. Asylum seeker reception services are defined in the Reception Act (746/2011), that is, the law on the reception of persons seeking international protection and on recognizing and helping victims of human trafficking. These services include accommodation, social services, health care services, reception allowance, interpretation and translation services, activities and studies. Reception centers provide either meals or provide kitchen facilities. These services are provided both in normal reception services and in detention facilities. Asylum seekers can also organize their own accommodation.

30. The key principle for the reception system and the operation of and living in reception facilities is that the reception centres "accommodate" all asylum seekers and refugees regardless of their nationality, religion, gender or sexual orientation. As a rule there are no separate facilities for different types of groups (excluding unaccompanied minors). Various kinds of arrangements can be made within the facilities (e.g. women live in rooms designated for women) and residents with special needs can be accommodated in certain facilities where the provision of the services they need can be organised. In the facilities the residents may contact a social worker, instructor, social instructor or public health nurse if they feel any needs concerning their accommodation or other reasons. Every effort is being made to respond to the need for assistance as well as possible.

31. The Finnish Immigration Service launched a national reception system monitoring programme in January 2016. The operations of reception centres had already been monitored before but the programme made monitoring more systematic. This monitoring work is carried out through several methods: operating plans prepared by each reception centre and self-monitoring; guidance and advice; monitoring and evaluation visits and inspection activities; as well as sending out requests for information. Also the Parliamentary Ombudsman exercises control over reception centers.

32. The Finnish Immigration Service has used this monitoring programme to assess the operations of Finnish reception centres between 1 January 2016 and 30 April 2017. The assessment report indicates that reception centres have mostly operated in an appropriate manner. Some shortcomings and faults were detected, for example in the decision-making concerning reception allowance, the preparation of work and study plans and the staffing of the reception centres. These identified shortcomings were fixed during the monitoring period.